

***Special Committee on Judicial Election Campaign Intervention
2018 Judicial Elections***

2018-04 Opinion

The Special Committee on Judicial Election Campaign Intervention received a request for an opinion on the following issue:

If an individual wishes to make a campaign donation via credit card but the committee does not have the capability to process the credit card, may the card be run through the candidate's office account and then have a check written to the committee for the appropriate donation?

The Special Committee has determined that this issue presents a question of sufficient general interest and importance. As a result, the Special Committee has decided to issue the following formal opinion.

Canon 5(C)(2), in relevant part, provides:

A candidate shall not personally . . . accept campaign contributions A candidate may, however, establish committees of responsible persons to conduct campaigns for the candidate Such committees may . . . accept reasonable campaign contributions Such committees are not prohibited from . . . accepting reasonable campaign contributions and public support from lawyers.

Canon 5(C)(2) prohibits the candidate from “personally . . . accept[ing] campaign contributions.” The Special Committee is of the opinion that the receipt of a campaign donation through a credit card transaction that is processed by or through the candidate’s office credit card account would violate Canon 5(C)(2). The candidate’s committee may process the credit card campaign donation or the committee may use a third party to process the donation.

This opinion is limited to the scope and authority of the Special Committee under the Mississippi Code of Judicial Conduct. The Special Committee expresses no opinion as to the imposition of criminal prosecution under this section 23-15-1025.

Any questions should be in writing and directed to:

Special Committee on Judicial Election Campaign Intervention

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